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IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

2021 JUN -4 A 8: 54

In re: 56th Judicial District - Declaration :
of Judicial Emergency : NO. 55 MM 2020

REGISTER
CLERK OF ORPHANS COURT

FILED
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CARBON COUNTY
PROTHONOTARY

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
56th JUDICIAL DISTRICT

In re: 56th Judicial District - Declaration :
of Judicial Emergency : NO. CP-13-AD-002-2020 Clerk of Courts
: 20-0575 Prothonotary
: 20-9103 Register of Wills/Orphans Court

TWELFTH AMENDED ADMINISTRATIVE ORDER NO. 6-2020

AND NOW, this 4th day of June, 2021, the Governor of this Commonwealth having ended all state-imposed Covid-19 restrictions as of Monday, May 31, 2021, excepting those pertaining to masking, with those related to masking scheduled to end on the earlier of June 28, 2021, or a 70 percent vaccination goal being met, and this Court being of the belief that in order to ensure the confidence of court personnel, court users, and members of the public in the protection of their health and safety while attending court proceedings or being present in court facilities, it is necessary to extend the judicial emergency and maintain in place those protective measures contained in the Eleventh Amended Administrative Order No. 6-2020 through and including June 28, 2021, pursuant to the authority granted in the Pennsylvania Supreme Court's *per curiam* order of May 27, 2020, and in accordance with the exercise of emergency powers under Rule of Judicial Administration 1952(B)(2), it is hereby

ORDERED and DECREED that the Eleventh Amended Administrative Order No.6-2020 be extended beyond its current end date of June 7, 2021 through and including June 28, 2021, as herein amended, and that the Court of Common Pleas and the

Magisterial District Courts in this Judicial District shall continue to be generally open to conduct all court business, except as otherwise specified herein.

Jury Trials

1. Consistent with prevailing health and safety norms, including the need to maintain social distancing, *voir dire* and the conducting of jury trials, both criminal and civil, shall be limited to Courtroom No.1 of the Carbon County Courthouse, and such other locations as may become available and are determined by the Court to be suitable for the conducting of jury trials. In addition to Courtroom No.1, arrangements have been made for jury trials (not *voir dire*) to also be conducted in the Jim Thorpe Area School District Administration Building located at 410 Center Avenue, Jim Thorpe, Pennsylvania. For this reason, a limited number of jury trials has been scheduled for the June term of court.

In-Person Proceedings

2. As stated above, the Court of Common Pleas and the Magisterial District Courts in the 56th Judicial District shall generally be open to conduct all court business. This includes not only all preliminary hearings and other civil and criminal matters before the Magisterial District Courts, but also all criminal, civil, and miscellaneous matters before the Court of Common Pleas, as well as divorce, custody, and support conferences/hearings before the Masters and Conference Officers of this Court. In conducting such matters, however, the Court of Common Pleas, Magisterial District Courts and Master/Conference Officers shall exercise their discretion in staggering the scheduled time for such events and limit the number of persons present to ensure social distancing and compliance with any lawful limitations imposed on the number of persons able to be present at such events. This includes Management Conferences before the

Court of Common Pleas which shall be scheduled in half-hour time slots. Additionally, in accordance with the general directives contained later in this order, the use of advanced communication technology to conduct such proceedings is encouraged.

3. Unless otherwise directed, all in-person criminal pleas, sentences, and hearings on ARD applications before the Court of Common Pleas shall be scheduled to be held in Courtroom No. 1 of the Carbon County Courthouse at one of the following staggered times: 9:00 A.M., 10:00 A.M., 11:00 A.M., 1:15 P.M., 2:15 P.M. and 3:15 P.M. Incarcerated defendants are encouraged to allow such proceedings to be conducted by advanced communication technology with all required paperwork (*i.e.*, written waiver of in-person attendance, written guilty plea colloquy, and notification of post-sentencing rights) to be completed in advance of the proceeding and made available at the time of the proceeding. Court Administration is directed to make every reasonable effort to arrange pleas, sentencings, and hearings on applications for ARD dispositions for incarcerated defendants by use of advanced communication technology. Due to the continuing danger of spreading COVID-19 between prisons and correctional facilities, requests for transportation of defendants from state correctional institutions or out-of-county prisons to the Carbon County Prison for defendants to appear in person in open court may not be able to be accommodated.

4. At all proceedings and hearings before a Court of Common Pleas Judge, Magisterial District Judge, Custody Hearing Officer, or Support Master - including all proceedings where criminal pleas are received, sentences are imposed and action is taken on pending ARD applications - at which parties, their counsel, victims, advocates, or witnesses appear in person, all such persons will be required to wear masks during the

proceeding (unless a medical condition of which the Court has been informed prevents the wearing of a mask and the presiding judicial officer excuses this requirement) and social distancing of at least six feet will be enforced. Excluding those proceedings involving a right to public and press access, no non-essential visitors, including children, shall be permitted to be present at such proceedings. With respect to those proceedings open to the public and press, provision shall be made to ensure some reasonable means of access. No one shall be permitted to attend in person who has been directed to quarantine, isolate or self-monitor at home for COVID-19 by a doctor, hospital or health agency, or anyone who has been diagnosed with or within the most recent fourteen-day period (or such lesser period recommended by the Centers for Disease Control and Prevention ("CDC")) has had close contact with anyone diagnosed with COVID-19, or anyone who exhibits flu-like symptoms.

General Directives

5. The use of advanced communication technology to conduct court business and proceedings that are not otherwise required by constitutional limitations to be conducted in person is encouraged and will be so scheduled in accordance with the directives of the presiding judicial officer to the extent the same can be done effectively and efficiently. To the extent constitutional limitations would otherwise prohibit remote participation, parties making a knowing, voluntary, and intelligent waiver of such prohibition, may waive this requirement at the discretion of the presiding officer.

6. Attorneys, litigants, other court participants, and members of the public shall be directed where to sit during court proceedings and scheduling may be staggered at the discretion of the Court in order to promote social distancing. To the extent possible

and provided the same is not inconsistent with the mask-wearing and social-distancing provisions of this order, or with the scheduling of Court proceedings provided for herein, it is directed that all persons identified in the preceding sentence follow federal and state guidelines, including those provided by the CDC and the Pennsylvania Department of Health, including but not limited to social distancing, mask wearing, hand washing and sanitizing. The Court has requested the County to arrange for its cleaning staff or maintenance to disinfect and sanitize surfaces in court facilities consistent with federal guidelines, including those provided by the Centers for Disease Control and Prevention.

7. The Carbon County Sheriff and his deputies, as well as constables providing security at Court Facilities, are hereby authorized to prevent the entry of any person into Court Facilities who appears to be sick or may have recently (within the last 14 days or such lesser period as recommended by the CDC) been in contact with someone who is positive for coronavirus. The Magisterial District Judges and their staffs are similarly authorized to decline the entry of any person into their court facilities who appears to be sick or may have recently (within the last 14 days or such lesser period as recommended by the CDC) been in contact with someone who is positive for coronavirus.

8. Constables, as available, shall continue to assist in providing screening for the Magisterial District Courts. In the event a constable or Sheriff's deputy is unavailable, in order to control the flow of traffic, maintain social distancing, and screen visitors entering their offices, the Magisterial District Courts may lock their doors to the general public during normal business hours provided the following measures are taken to permit public access: (1) a telephone number shall be posted conspicuously on the outside entrance door or other appropriate location prior to entering the Court's offices with

instructions on the use of this number by visitors having business with the Court as a means of contacting members of the District Court Offices to explain their purpose for being there and receive instructions from staff on how to proceed; (2) a Covid-19 questionnaire shall be made available and completed by visitors before entering the Court's offices in the event the information requested in the questionnaire cannot be adequately provided in the above-referenced telephone contact or by other means; and (3) secure drop boxes shall be made available during business hours only with instructions conspicuously posted as to the purpose of such receptacles (e.g., to receive documents for filing, to receive non-cash payments).

9. Consistent with previous Administrative Orders in this matter, when age or an underlying health condition places a party, counsel or material witness at higher risk or danger from COVID-19, continuances – when such grounds are adequately documented to the satisfaction of the presiding judicial officer - shall be liberally granted by the Common Pleas Judges and Magisterial District Judges of this Judicial District.

10. The operation of Pa.R.Crim.P. No.600 is suspended in the 56th Judicial District through and including June 28 2021, so that the time period from the date of this Order through June 28, 2021, shall be excluded from the time computation under Pa.R.Crim.P. No.600 (C) without prejudice to a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions.

Notice

11. Within 24 hours, the District Court Administrator shall ensure that a copy of this order is:

- a. Filed with the Prothonotary of the Supreme Court of Pennsylvania in the Middle District Office;

- b. Transmitted to the Court Administrator of Pennsylvania;
- c. Posted conspicuously on the entry doors of the Carbon County Courthouse, at 76 Susquehanna Street in Jim Thorpe, and all Magisterial District Courts of the 56th Judicial District;
- d. Posted on this Court's website; and
- e. Transmitted to the Carbon County Bar Association with the request that the Association promptly forward a copy to all members.

Effective Date

12. This order is effective immediately and shall remain in effect through and including June 28, 2021. This Order is intended as an extension and continuation of the Eleventh Amended Administrative Order No.6–2020 dated April 1, 2021, as herein amended.

BY THE COURT:



Roger N. Nanovic, P.J.